IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4707 of 2007()

[CRIME NO.315/07 OF VALAPATTANAM POLICE STATION]

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PETITIONERS:

1. K.P. RAJEESH, S/O. RAGHAVAN,
   AGED 32 YEARS, KADAVATHPURAYIL, ARAMKOTTAM,
   ALAVIL, KANNUR DISTRICT.

2. M. NAVEEN, S/O. LAKSHMANAN,
   AGED 30 YEARS, APPARI HOUSE, ARAMKOTTAM,
   ALAVIL, KANNUR.

3. P. HAREESH, S/O. HAREENDRAN,
   AGED 30 YEARS, CHANDRIKA HOUSE, ALAVIL, KANNUR.

4. ASHIQUE K.K., S/O. VIJAYAN,
   AGED 34 YEARS, NAMBIKKUNNUMMAL HOUSE,
   ARAMKOTTAM, ALAVIL, KANNUR.

5. MAHESH N., S/O. MUKUNDAN,
   AGED 30 YEARS, ARAMKOTTAM, ALAVIL, KANNUR.

BY ADV. SRI.SUDHEESH THAROL

RESPONDENT:

STATE OF KERALA (SHO, VALAPATTANAM
POLICE STATION), REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4707 of 2007

Dated this the 3rd day of August 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Section 3(1) of the P.D.P.P.Act. The crux of the allegations against the petitioners is that they who belong to one political party indulged in the allegedly questionable conduct of re-painting the Panchayat well and painting on the pillars of the well certain messages, a member of the local Panchayat who belongs to the rival political party has allegedly raised a complaint.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that this is a fit case where directions under Section 438 Cr.P.C can and ought to be issued. I need only mention that the photograph produced as Annexure A which allegedly reveals the alleged contumacious conduct on the part of the petitioners which is not disputed by the learned Public Prosecutor has been perused by me.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 10/08/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 10/08/2007, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 10/08/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007